



Approved August 23, 2006

**PLANNING COMMISSION
CITY OF SCOTTSDALE
CITY HALL KIVA
3939 NORTH DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA
JULY 12, 2006**

STUDY SESSION MINUTES

PRESENT: Steve Steinberg, Chairman
David Barnett, Commissioner
Steven Steinke, Commissioner
Eric Hess, Commissioner (arrived 4:17)
Kevin O'Neill, Commissioner

ABSENT: James Heitel, Vice-Chairman
Jeffrey Schwartz, Commissioner

STAFF PRESENT: Lusia Galav
Randy Grant
Frank Gray
Sherry Scott
Joe Padilla
Don Hadder
Mac Cummins

1. **CALL TO ORDER**

The study session of the Scottsdale Planning Commission was called to order by Chairman Steinberg at 4:05 p.m.

2. **ADMINISTRATIVE REPORT - LUSIA GALAV**

None.

3. **REVIEW OF JULY 12, 2006 AGENDA**

Ms. Galav noted that there would be a request for reconsideration of case 25-ZN-2005, which will then appear on the August 23 agenda.

CONTINUANCES

APPROVED

4-TA-2006 Text Amendment on Aircraft

Ms. Galav explained that some details were still being rectified on this item; it should be ready for the August 23, 2006 hearing.

INITIATIONS

524-PA-2006 Accessory Buildings and Structures

Ms. Galav noted that this initiation was requested in response to a situation where an accessory building that is fully permitted and meets the zoning requirements was constructed on a residential property and is higher than the main structure.

In response to an inquiry from Commissioner Barnett, Mr. Gray explained that he personally made the decision to expedite the initiation because he felt there was urgency in addressing the situation. Mr. Gray further explained that the structure was architecturally acceptable and Development Review Board would have no jurisdiction over the situation. A flaw exists in the Ordinance which allows accessory structures to extend into the side yard as long as they do not occupy more than a certain percent of the property; this structure fits within the guidelines but is out of scale with the neighborhood. Staff is suggesting requiring a step back from the property line for every foot in height. Mr. Gray assured Commissioner Barnett that it would be possible to maintain flexibility in the architectural style. Staff will return with a series of alternative solutions for the Commission's review.

In response to a comment by Commissioner Barnett that the process could be changed in order to allow residential to go through DR under certain circumstances other than cuts and fills, Ms. Scott clarified that the City Charter prevents architectural design of family homes to go through the Development Review Board.

524-PA-2006 Amendment to Violation and Penalty Section of the Zoning Ordinance to Coordinate with ESL Amendment

Ms. Galav noted that this initiation was related to case 6-TA-2006, which is on the regular agenda; in review of that case staff realized a section of the Ordinance related to penalties needed to be amended in order to be in conformance with the proposed text amendment.

EXPEDITED AGENDA

10-UP-2006 Gateway Access Area/Desert Discovery Center

7-TA-2006 Zoning Definitions Text Amendment

REGULAR AGENDA

2-TA-2006 ESL Text Amendment

6-TA-2006 Minor Amendments to ESL

Ms. Galav noted that both 2-TA-2006 and 6-TA-2006 were related to the ESL.

Commissioner Barnett suggested these two items be moved to the expedited agenda.

8-UP-2006 Loco Patron

Commissioner Barnett suggested this item be moved to the expedited agenda.

Ms. Galav noted that staff would be making one clarification.

4. **REVIEW OF AUGUST 23, 2006 TENTATIVE AGENDA**

Ms. Galav reminded the Commission that the next meeting would be August 23, 2006.

14-UP-2006 Avis Rent-a-Car

2-UP-2006 Blue Agave Supper Club

3-UP-2006 Blue Agave Supper Club

Ms. Galav reviewed that one of the Blue Agave Supper Club applications was for a conditional use permit for a bar and the other was for live entertainment.

46-ZN-1990#17 Grayhawk Parcels

Ms. Galav reviewed that the application was for an additional rezoning in the Grayhawk community. The proposed use is a hotel with associated retail uses.

In response to a question by Chairman Steinberg, Mr. Hadder clarified the location of the hotel property in relation to the golf club.

In response to an inquiry by Commissioner Barnett, Mr. Gray stated that he believed the first open house for the Airpark PUD would be in early fall. He will request that Mr. Lusardi forward Commissioner Barnett the work program.

Commissioner Hess asked if there was a procedure for bringing an item back before the Planning Commission prior to going to City Council if it is found that stipulations were not being imposed. Ms. Scott clarified that stipulations do not go into effect until the item is passed by City Council; if something is occurring prior to the City Council hearing, a request can be made to bring that item back before the Planning Commission.

Commissioner Barnett recalled a conditional use permit case from two years ago, noting that the build-out was not completed and therefore the stipulations had not yet been met. He inquired about the time frame for compliance. Mr. Gray explained that all stipulations must be complied with prior to issuance of a Certificate of Occupancy for a dwelling or recording of the final map for a subdivision. Once the project is occupied, Code Enforcement would be responsible. Ms. Scott added that according to the Ordinance, the revocation of a conditional use permit can be initiated by the City Council, the City Manager or their designee. The Planning Commission could request that one of those entities consider a revocation hearing.

Commissioner Barnett opined that if the Planning Commission is able to recommend conditional use permits they should be able to initiate revocation. He inquired whether that item could be added to the letter to City Council regarding changes to the operating rules and regulations for the Planning Commission. Mr. Gray stated that the letter regarding changes to Planning Commission rules and regulations had already been sent; however, there would be plenty of time to add the item before its review. A discussion on conditional use permit revocations will be added to the agenda for the August 23, 2006 Planning Commission meeting.

5. **ADJOURNMENT**

With no further business to discuss, the study session adjourned at 4:28 p.m.

Respectfully submitted,
A/V Tronics, Inc.

APPROVED